

FILED IN THE
U.S. DISTRICT COURT
EASTERN DISTRICT OF WASHINGTON

May 19, 2022

SEAN F. McAVOY, CLERK

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WASHINGTON

UNITED STATES OF AMERICA,

Plaintiff,

v.

JOSHUA L. ORTIZ,

Defendant.

No. 1:14-CR-2038-SAB-2

**ORDER DENYING
CONSTRUED MOTION TO
MODIFY SENTENCE**

Before the Court is Defendant Joshua L. Ortiz's Letter/Construed Motion to Modify Sentence, ECF No. 216. The motion was considered without oral argument.

Mr. Ortiz is serving a sentence in the above-captioned matter. He was sentenced to three years of supervised release and 84 months of incarceration, to run concurrent to his sentence in Yakima County Superior Court, case number 14-1-00526-7. ECF No. 150. After Mr. Ortiz's release from federal custody in 2023, he will remain in state custody until approximately 2025.

In his letter, Mr. Ortiz requests that the Court revoke and terminate his term of federal supervised release. He contends that his three-year term of supervised release is duplicative of his state supervised release term. Mr. Ortiz also appears to request that the Court transfer his supervision to the Western District of

1 Washington, since he intends to live in that district after his release from state
2 custody.

3 Mr. Ortiz's requests for termination of supervised release or transfer of
4 jurisdiction are premature. A court may modify or revoke supervised release
5 conditions "at any time *after the expiration of one year of supervised release . . .* if
6 it is satisfied that such action is warranted by the conduct of the defendant released
7 and the interest of justice." 18 U.S.C. § 3583(e)(1) (emphasis added). Further, a
8 court may transfer jurisdiction over a person "*on supervised release* to the district
9 court for any other district." *Id.* § 3605 (emphasis added). Mr. Ortiz is currently
10 incarcerated and not serving his term of federal supervised release; consequently,
11 both requests are premature.

12 Accordingly, **IT IS HEREBY ORDERED:**

13 1. Defendant Joshua L. Ortiz's Letter/Construed Motion to Modify
14 Sentence, ECF No. 216, is **DENIED**.

15 **IT IS SO ORDERED.** The District Court Executive is hereby directed to
16 file this Order and provide copies to counsel, the U.S. Probation Office, **and to**
17 Defendant.

18 **DATED** this 19th day of May 2022.



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A handwritten signature in blue ink that reads "Stanley A. Bastian". The signature is fluid and cursive, with a horizontal line drawn underneath it.

24 Stanley A. Bastian
25 Chief United States District Judge
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